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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PHAN, JOSEPH T	

ART UNIT	PAPER NUMBER
2645	13

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/967,108	COLEMON, JAMES M.	
	Examiner	Art Unit	
	Joseph T Phan	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *32 and 33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *32 and 33* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 32 and 33 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: newly added claims 32 and 33 are directed to a housing structure that contains applicant's original invention of a switch and call handling system. This integrated housing system is separately classified in Class 379 subclasses 308+/327+ and would require a separate distinct search.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32 and 33 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-31 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 1-31, the disclosed specification does not support and enable

the newly added limitations in the independent claims of "the call handle being generated by the switch independent of the caller's identity and any data received by the caller". Claims 1,11, and 14 states "...*receiving a call handle associated with the incoming call...*" and claims 17, 22, and 25 states "*generating a call handle....as a set of in-band signaling tones for the incoming call...*" The newly added limitation contradicts the original claims because the call handle is associated with data received by the caller because the caller is initially entering in the DTMF in-band signaling tones. See the first paragraph of applicant's specification page 6. It is also unclear on page 6 of the specification 2nd paragraph what is considered as "...external or internal telephone or line numbers as a unique identifier of a particular call" and how the call handle is enabled or generated from these numbers. Examiner recommends that applicant refer where in the specification the limitations of the two groups claims 1 and 17 are supported, specifically each limitation of claim 17.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-31 rejected under 35 U.S.C. 102(b) as being anticipated by Backaus et al., Patent #5459779.

Regarding claims 1 and 11, Backaus teaches a method and machine-readable medium comprising:

receiving an incoming call at a port of an automated attendant from a telephone switch (col.2 lines 26-29)

receiving a call handle associated with the incoming call at the automated attendant from the telephone switch (col.2 line 59-col.3 line 13);

applying the call handle to retrieve caller information associated with the call handle and using the retrieved caller information at the automated attendant to handle the call if caller information associated with the call handle is found (col.2 line 59-col.3 line 13).

Regarding claims 2, Backaus teaches the method of claim 1, wherein receiving a call handle comprises receiving a tone sequence at a port of the automated attendant, decoding the tone sequence, and deriving the call handle from the decoded tone sequence (col.2 line 59-col.3 line 13).

Regarding claim 3, Backaus teaches the method of claim 2, wherein the tone sequence is a DTMF tone sequence transmitted to the port over the same transmission line as the incoming call(col.2 line 59-col.3 line 13).

Regarding claims 4 and 5, Backaus teaches the method of claim 1, wherein receiving a call handle comprises receiving a call handle message through a digital interface which comprises a digital backplane connection to a switch from which the incoming call was received (col.2 lines 40-45; *the ISDN/PRI network in Backaus Fig.1 include digital switches that comprises of digital interfaces/backplanes and also IXC/LEC switches).*

Regarding claim 6, Backaus teaches the method of claim 1, wherein receiving an incoming call comprises receiving an incoming call from a switch and wherein receiving a call handle comprises receiving a call handle from the switch (col.2 line 59-col.3 line 13).

Regarding claim 7, Backaus teaches the method of claim 1, wherein using the retrieved caller information comprises providing audio information in a language previously selected by the caller (col.2 lines 50-58 and col.3 lines 39-54).

Regarding claims 8, 12, and 13 Backaus teaches the method and medium of claims 1 and 11, if no caller information associated with the call handle is found or if the call is not a forwarded call *(all calls can be considered forwarded from the originating caller forwarded to any system),* the instructions further comprising:

requesting caller information from the caller *(col.3 lines 3-13; specific caller information is not known until the caller enters his/her PIN)*

storing received caller information in association with the call handle; and using the received caller information to handle the call (col.3 lines 10-33)

Regarding claim 9, Backaus teaches the method of claim 1, further comprising receiving an indication of whether the call is a forwarded call and wherein retrieving caller information and using the retrieved information are performed only if the call is a forwarded call *(col.2 line 62-col.3 line 13; the IXC is indicated that an incoming forwarded call is received-all calls can be considered forwarded from the originating caller forwarded to any system).*

Regarding claim 10, Backaus teaches the method of claim 9, if the call is not a forwarded call, further comprising:

requesting caller information from the caller*(col.3 lines 3-13; specific caller information is not known until the caller enters his/her PIN)*

storing received caller information in association with the call handle and using the received caller information to handle the call (col.3 lines 10-33).

Regarding claim 14, Backaus teaches an apparatus comprising:

an automated attendant port(110 Fig.1) to receive an incoming call from a telephone switch (102 Fig.1);

an automated attendant port to receive a call handle associated with the incoming call from a telephone switch (col.2 line 59-col.3 line 13);

a memory containing caller information associated with call handles (col.3 lines 8-20);

and a processor to apply the call handle to retrieve caller information and use the retrieved caller information to handle the call if caller information associated with the call handle is found (col.3 lines 8-13).

Regarding claims 15 and 16, Backaus teaches the apparatus of claim 14, wherein the automated attendant port to receive the call handle comprises a digital interface which is a digital backplane connected to a switch (col.2 lines 40-45*; the ISDN/PRI network in Backaus Fig.1 include digital switches that comprises of digital interfaces/backplanes and also IXC/LEC switches).*

Regarding claims 17 and 22, Backaus teaches a method and a machine readable medium with instructions comprising:

receiving an incoming call at a telephone switch (col.2 lines 26-29);

generating a call handle as a set of in-band signaling tones for the incoming call at the telephone switch *(col.3 line 55-col.4 line 7; the caller pressing the DTMF digits are in-band signaling tones);*

routing the incoming call and associated call handle to a port of a call handling system(IXC's 110/112 Fig.1) as in-band signaling tones (col.3 line 34-col.4 line 7);

transferring the routed call at the telephone switch from the call handling system and re-routing the incoming call from the telephone switch back to a port of the call handling system and sending the call handle as in-band signaling tones from the telephone switch to the call handling system in association with the re-routed call *(col.4 lines 8-21 and 33-60; the call can be routed back-and-forth through the system and the call handle is stored so the caller does not have to re-verify his information).*

Regarding claim 18, Backaus teaches the method of claim 17, wherein sending the call handle comprises deriving a tone sequence for the identification, coding the tone sequence into tones and sending the tone sequence to the call handling system port [col.3 line 55-col.4 line 7; the number is a tone sequence which are tones sent to the call handling system (IXC 110/112 of Fig.1)].

Regarding claim 19, Backaus teaches the method of claim 18, wherein the tone sequence is a DTMF tone sequence transmitted to the port over the same transmission

line as the incoming call *(col.3 line 55-col.4 line 7; the caller pressing the DTMF digits are in-band transmitted over the incoming call transmission line).*

Regarding claims 20-24, Backaus teaches the method and machine readable medium of claims 17 and 22, wherein sending the call handle comprises sending an identification message through a digital interface comprising a digital backplane connection to the call handling system (col.2 lines 40-45*; the ISDN/PRI network in Backaus Fig.1 include digital switches that comprises of digital interfaces/backplanes and also IXC/LEC switches).*

Regarding claim 25, Backaus teaches an apparatus comprising:

a port to receive an incoming call (110 Fig.1);

a call handle generator to generate a call handle for the incoming call as a set of in-band signaling tones *(col.3 line 55-col.4 line 7; the caller pressing the DTMF digits are in-band signaling tones);*

a switching network to route the incoming call from the receiving port to a port of a call handling system (112 Fig.1;) ;

and an interface to send the generated call handle as in-band signaling tones to the port of the call handling system in association with the routed call *(col.3 line 34 -col.4 line 7).*

Regarding claims 26 and 27, Backaus teaches the apparatus of claims 25 and 26, wherein the interface comprises a digital interface and a digital backplane connection to the call handling system (col.2 lines 40-45*; the ISDN/PRI network in Backaus Fig.1 include digital switches that comprises of digital interfaces/backplanes*

and also IXC/LEC switches).

Regarding claims 28-31, Backaus teaches releasing the call to the switch and, after sufficient time, deleting caller information associated with the call handle and reusing the call handle for another call (col.3 lines 55-67; each call has a unique identifier and caller information is deleted, reason why the identifier needs to be created each time a call is made to the number).

Response to Arguments

6. Applicant's arguments are moot in view of new grounds of rejection, specifically 112 1st paragraph issues raised because of newly added limitations. The prior arts of record Backaus or Maloney are still relevant to applicant's claimed invention.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP
October 20, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600